

**Gallatin County Planning Board  
Infrastructure Committee  
Water and Wastewater Subcommittee  
Record of Meeting: April 27, 2009**

**Members present:** C.B. Dormire (Subcommittee Chair), Gail Richardson, Don Seifert, Kerry White; Tom Rogers, County Planning Department; Earl Mathers, Interim Planning Director (partial). Guests: None.

1. **Call to Order:** 4:03 p.m.
2. **Approval of April 27, 2009 Minutes:** Approved as is.
3. **Discussion of RFP for Further Engineer's Study:**

C.B. began discussing RFP. Does the PB-WSC prepare the RFP in order to be ready for future request? Outside person to complete and fund RFP to implement project. Difficult to have spent time and energy to work on water/waste water and the Commission has reduced importance and withholding funding. The Committee believes the study is critical to implementing the GPIIP and is necessary for the health safety and welfare of the residents.

Committee is interested in finding outside financial resources to create the RFP. The Committee would like to proceed with seeking outside resources to help create a RFP. The Committee will ask the full Board to search outside help for the RFP unless resources inside the County are able to create something prior to securing outside help. Direction from the Interim Director may be able to provide additional status on the RFP. According to 76-1-106(ii)(b) Role of Planning Board appears to support our efforts. Also, 76-1-408 suggests the PB has the authority to hold outside funds to perform both the creation of RFP and the engineering study if provided to the Board.

Earl Mathers joined the meeting at this time.

C.B. Asked Earl if RFP has been performed. Earl stated the Commission has stated they do not wish to move forward on the RFP at this time and, therefore, nothing has been done. Earl continued suggesting that the Conservation District may be of some assistance.

Gail asked how much it would cost for an outside entity to create a RFP. C.B. estimated \$1,000. C.B. asked Earl if there is anyone from Grants, Planning or other department that would be available to draft the RFP. Earl stated, "no." Gail suggested addressing this difference at the Retreat. The Committee learned the Commission voted on whether or not to fund the engineering study (2:0 to not proceed with the solicitation of the study). It is unclear whether or not the Commission is in support of funding the creation of the RFP.

C.B. asked if Earl could clarify if the Commission is supportive of drafting the RFP. Kerry suggested creating the RFP and then forwarding to the Board of Health for comment rather than collaboration prior to drafting the RFP.

The Committee understands there is limited growth at this moment in time. However, the issues exist now and must be understood.

The Committee entered a general discussion on long range planning issues including transportation, waste water, Interconnect, and others and their importance to the development of the County. There appears to general feeling that the Planning Board's efforts are not coming to fruition due to constraints outside of the Boards control.

**4. Discussion of Legal Matters Relevant to Subcommittee Task:**

Among other references, MCA 76-2-203 suggests there are no restrictions (facilitate) the County zoning for waste water. In other words the County would have to use its authority to zone to enact regulation for wastewater in un-zoned areas of the County.

Specific questions: can zoning require wastewater design and standards?

General discussion of James Greenbaum memo ensued. C.B. commented that many of these questions may require County Attorney comment and any question asked may be narrowly responded to.

General discussion of public utility within the MCA i.e easements, authority, relationship to Board of Health, etc. It was stated Sean has a list of the relevant statutes. Some statutes discussed are:

76-3-504(1)(3)(g)(3)  
76-3-511.  
76-3-604.  
76-3-608.  
76-3-622(g)

What authority does the Board of Health has to assume DEQ tasks? 75-

**5. Member Reports:** None discussed.

**6. Next meeting Date and Agenda:** Next meeting May 11<sup>th</sup>.

**7. Other Business:** None discussed.

**8. Adjourn:** 6:00 p.m.